

ORDER NO. 5048

FILE: C-20-(A)-2

Before:

The Local Authorities Board
for the Province of Alberta.

In the matter of The Municipal
Government Act:

And in the matter of the Local
Authorities Board, on its own
motion, annexing to the City of
Edmonton, Alberta certain roads
and privately-owned former road
allowances.

As a consequence of the consideration of facts gathered at a public hearing in the City of Edmonton, Alberta on December 14, 1970 whereby certain lands in section 5, section 6-R and fractional section 6, township 52, range 24, west of the fourth meridian and section 1, township 52, range 25, west of the fourth meridian, were by Board Order No. 4804 (*The Alberta Gazette*—August 15, 1970) annexed to the City of Edmonton, it was deemed desirable by the Board, primarily for municipal administrative reasons, that further direction should be issued by the Board, regarding the municipal placement of certain roads and privately-owned former road allowances adjoining the aforesaid annexed lands.

Specifically, the Board considered that it should, on its own motion, and pursuant to the provisions of section 20 of The Municipal Government Act, annex to the City of Edmonton the following described lands which immediately adjoin the territory which the Board annexed to the city pursuant to Board Order No. 4804:

Description of lands proposed for Annexation to the City of Edmonton pursuant to the Board's own motion, including those roads that attach to the City by reason of the provisions of section 5 of The Municipal Government Act.

Firstly: All of the east-west road allowance adjoining the south boundary of the east half of section 1, township 52, range 25, west of the fourth meridian, including that portion abandoned and contained in certificate of title no. 201-U-6.

Secondly: All of the east-west road allowances adjoining the south boundaries of section 6-R and the fractional south-west quarter of section 6, both in township 52, range 24, west of the fourth meridian, including the road intersection at the south-west corner of the said fractional south-west quarter of section 6 and that portion of the east-west road allowance abandoned and described in certificate of title no. 212-T-180.

Thirdly: All that portion of the east-west road allowance adjoining the south boundary of section 5, township 52, range 24, west of the fourth meridian, including the road intersection at the south-west corner of the said section 5, and including that portion of the road intersection at the south-east corner of the said section 5, which lies west of the westerly limit of the C.P.R. right-of-way as shown on plan C. & E. No. 1.

Notice of the Board's proposal was mailed to all interested parties on August 10, 1970 and all parties thereto, other than the private owner of a portion of former government road allowance containing approximately two and nine-hundredths (2.09) acres, as described in certifi-

cate of title number 201-U-6 and adjoining part of the south limits of the south-east quarter of section 1, township 52, range 25, west of the fifth meridian, offered no objection to the Board's suggestion.

On November 9, 1970 the Board issued to all interested parties, notices of a public hearing to deal with the representations of the aforementioned owner of the property described in certificate of title number 201-U-6, who opposed the annexation of his approximately two and nine-hundredths (2.09) acre former road-allowance parcel to the City of Edmonton.

The owner of the two and nine-hundredths (2.09) acre parcel, Robert H. Smith Estate, was represented at the public hearing by Counsel Howard T. Emery, Q.C., who submitted generally that the reasons advanced by the Board for the proposed annexation of the Estate's parcel — municipal administrative facility — were not sufficient to warrant annexation of the two and nine-hundredths (2.09) acres parcel when:

- (a) the Estate objected to the proposal on the grounds that the parcel would lessen in value by being annexed to the City.
- (b) the Estate could expect more favourable consideration for rezoning of the valley property to country-estate development if it remained in the County of Strathcona No. 20.
- (c) neither the city nor the county applied for annexation or separation respectively of the two and nine-hundredths (2.09) acre parcel on the basis of a need.

The Board in support of its own proposal suggested that the parcel should be annexed to the city:

- (a) to provide administration of the parcel through the city, since the only access to the property, at January 1, 1971, would be over city administered, maintained and serviced roads — there being no ingress or egress to or from the parcel by any County of Strathcona road.

The parcel is isolated from the county administration.

- (b) to provide a regular and convenient quarter section boundary line between city and county, rather than one with a 66-foot jog in it around the Estate's parcel.
- (c) the development of the property must in any event, whether the parcel is in the county or the city, obtain authorization through the Edmonton Regional Planning Commission, which authority had, at a Commission meeting on September 2, 1970 moved approval of the Local Authorities Board's "own motion" annexation proposal, to include the subject land in the city.

While the Board issued notices of the December 14, 1970 public hearing to the concerned municipalities, the Planning Commission and the private owners of the two former government road-allowance parcels described in certificates of title numbered 201-U-6 and 196-T-240, the Board did not further invite the attendance of the municipalities or the Commission at the said hearing.

In the absence at the hearing, of direct support of the Board's annexation proposal from either municipality or from the Planning Commission, though the Board does not require such assent in any annexation matter, and because the proposed annexation of the Estate's parcel may not be immediately urgent, the Board has decided at this time, not to annex to the city the Estate parcel described in certificate of title number 201-U-6.

The Board will, however, proceed herein to annex, on its own motion, the privately-owned former road allowance described in certificate of title number 196-T-240 (the *thirdly* part), as well as the east-west roads and intersections lying to the south of sections 5, 6-R and fractional section 6, township 52, range 24, west of the fourth meridian, and all portions of the government road allowances adjoining the south limits of the south-east quarter of section 1, township 52, range 1, west of the fifth meridian, which by reason of the provisions of section 5 of The Municipal Government Act are included in the city limits on the effective date of the Board's annexation Order No. 4804.

It is ordered, therefore, as follows:

I. That the following described lands comprising roads and a parcel of privately-owned former government road allowance described in the "*thirdly*" portion of certificate of title number 196-T-240 shall, on the Board's own motion and in complement to the provisions of section 5 of The Municipal Government Act and the terms of Board annexation Order No. 4804, be annexed to the City of Edmonton and thereupon be separated from the County of Strathcona No. 20.

Firstly: All of the east-west road allowance adjoining the south boundary of the east half of section 1, township 52, range 25, west of the fourth meridian, excepting thereout that portion abandoned and contained in certificate of title No. 201-U-6.

Secondly: All of the east-west road allowances adjoining the south boundaries of section 6-R and the fractional south-west quarter of section 6, both in township 52, range 24, west of the fourth meridian, including the road intersection at the south-west corner of the said fractional south-west quarter of section 6 and that portion of the east-west road allowance abandoned and described in certificate of title number 212-T-180.

Thirdly: All that portion of the east-west road allowance adjoining the south boundary of section 5, township 52, range 24, west of the fourth meridian, including the road intersection at the south-west corner of the said section 5, and including that portion of the road intersection at the south-east corner of the said section 5, which lies west of the westerly limit of the C.P.R. right-of-way as shown on plan C. & E. No. 1.

Note: A sketch showing the general location of the annexed lands adjoining the south limits of fractional section 6, township 52, range 24, west of the fourth meridian and the south limits of the south-east quarter of section 1, township 52, range 25, west of the fourth meridian and the intervening intersection is attached hereto as Schedule "A". The sketch does not show the roads areas and intersections which are also annexed to the City of Edmonton and which adjoin the south limits of section 5 and 6-R, township 52, range 24, west of the fourth meridian as detailed in Clause I of the within Order.

II. The chief provincial assessor, appointed pursuant to the provisions of The Municipalities Assessment and Equalization Act, shall for taxation or grant purposes commencing in the year 1971, re-assess or re-value, as the case may be, all properties that are assessable or subject to valuation under the terms of The Electric Power and Pipe Line Assessment Act and The Municipal and Provincial Properties Valuation Act, and which lie within the areas that are by this Order annexed to the City of Edmonton, so that the assessment or valuation shall be fair and equitable with properties of a similar nature.

III. The effective date of this Order shall be the 1st day of January, 1971.

Dated and signed at the City of Edmonton, in the Province of Alberta, this 26th day of January, 1971.


LOCAL AUTHORITIES BOARD.
C. G. MACGREGOR (Chairman).
A. B. WETTER (Member).

Certified a true copy,
W. C. ELLIOTT, (Secretary).

SCHEDULE "A"

A SKETCH SHOWING THE GENERAL LOCATION
OF THE AREAS AFFECTED BY ORDER No. 5048

EFFECTIVE DATE - JANUARY 1, 1971

 AFFECTED AREA(S)

